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Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined third and fourth periodic reports of the Islamic Republic of Iran*

I. Introduction

1. The Committee considered the combined third and fourth periodic reports of the Islamic Republic of Iran (CRC/C/IRN/3-4) at its 2055th and 2057th meetings (see CRC/C/SR.2055 and 2057), held on 11 and 12 January 2016, and adopted the following concluding observations at its 2104th meeting (see CRC/C/SR.2104), held on 29 January 2016.

2. The Committee welcomes the submission of the third and fourth periodic reports of the State party and the written replies to the list of issues (CRC/C/IRN/Q/3-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of or accession to the following instruments:

(a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2007;

(b) The Convention on the Rights of Persons with Disabilities, in 2009.

4. The Committee notes with appreciation the adoption of the following legislative measures:

(a) Amendments to the Criminal Procedure Code, establishing juvenile courts, in 2013;

(b) The Act on Family Protection, providing for the best interests of children and adolescents to be respected in all courts and executive officials' decisions, in 2013.

* Adopted by the Committee at its seventy-first session (11-29 January 2016).

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5. The Committee welcomes the establishment of the National Body on the Convention on the Rights of the Child, on 1 April 2012.

6. The Committee notes as positive the invitation extended by the State party to special procedure mandate holders since 24 July 2002.

III. Factors and difficulties affecting the implementation of the Convention

7. The Committee notes that the effects of the sanctions are reflected in the difficult economic and social situation prevailing in the country, which has had repercussions on children's enjoyment of their rights, in particular in the socioeconomic field, and has impeded the full implementation of the Convention.

IV. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

The Committee's previous recommendations

8. **The Committee recommends that the State party take all measures necessary to address its previous recommendations of 28 January 2005 (CRC/C/15/Add.254), which have not been sufficiently implemented, in particular those relating to non-discrimination, the right to life, protection from torture and inhuman or degrading treatment or punishment, and juvenile justice, among others contained therein.**

Reservations

9. While noting the information provided by the State party during the dialogue that it intends to study the possibility of making the wording of its reservation more precise, the Committee regrets that, despite its previous recommendations, the State party has not undertaken any review of its reservation to the Convention since the submission of the initial and second periodic reports. The Committee remains concerned that the imprecise nature of this reservation, which invokes Islamic laws in a general way, hampers the implementation of many provisions of the Convention and is not compatible with the object and purpose of the Convention. Furthermore, the Committee is concerned about the Supreme Court judgement made in July 2012 that invokes this reservation and states that in case of a conflict, the domestic law should prevail over the Convention.

10. **The Committee, in line with its previous recommendation (CRC/C/15/Add.254, para. 7) and in the light of the Vienna Declaration and Programme of Action of 1993, urges the State party to review the general nature of its reservation and encourages the State party to withdraw it in a clear timeframe. The Committee recommends that the State party bring its domestic laws and regulations into compliance with the Convention and ensure that the provisions of the Convention prevail whenever there is a conflict with the domestic law.**

Legislation

11. The Committee takes note of several pieces of legislation adopted by the State party during the reporting period, and the amendments to the Islamic Penal Code in 2013. However, the Committee remains concerned that a number of the State party's laws, including the Islamic Penal Code, remain discriminatory against girls and against religious

and ethnic minorities, depriving them of a number of their rights under the Convention. The Committee is also concerned about the wide discretion given to the judiciary in interpreting and implementing laws.

12. **The Committee urges the State party to urgently repeal its laws and policies that are discriminatory against girls and religious and ethnic minorities and ensure that all children, irrespective of their gender, ethnicity or religious beliefs, enjoy equal rights and freedoms as guaranteed under the Convention. In particular, the Committee urges the State party to ensure that the State party's legislation does not leave the interpretation and implementation of its legislation to the wide discretion of the judiciary without providing them with the necessary training and interpretative guidelines.**

Comprehensive policy and strategy

13. The Committee notes the State party's information that it is finalizing the draft National Plan of Action on the Rights of the Child. It regrets, however, the lack of information as to how the 11 strategies suggested therein contribute to the implementation of the Convention, especially in relation to children in disadvantaged and marginalized situations, and the lack of information about the available resources to be allocated for its implementation.

14. **The Committee recommends that the State party take measures to ensure that the State party's policies, strategies and plans of action address in particular the rights of children in disadvantaged and marginalized situations, are aimed at providing them with equal opportunities in all areas of life and at improving their situation, and are supported with sufficient human, technical and financial resources.**

Coordination

15. The Committee notes the establishment in 2012 of the National Body on the Convention on the Rights of the Child, under the Ministry of Justice, for monitoring and coordinating the implementation of children's rights. However, the Committee regrets that apart from the establishment of working groups in some important areas such as violence against children, no information has been provided as to the progress achieved and outputs delivered by the National Body and its working groups.

16. **The Committee recommends that the State party provide the National Body on the Convention on the Rights of the Child with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels, that it strengthen its capacity and that it ensure that its relevant working groups are provided with the necessary human, technical and financial resources.**

Allocation of resources

17. The Committee is concerned that the State party did not provide any information on a targeted allocation of budgetary resources for the implementation of children's rights under the Convention, in particular for implementation of the rights of children belonging to disadvantaged and marginalized groups, as previously recommended (see CRC/C/15/Add.254, para. 15 (b)).

18. **In the light of its day of general discussion in 2007 on resources for the rights of the child and the responsibility of States, the Committee recommends that the State party:**

(a) **Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights, and in particular, increase the budget allocated to social sectors and address disparities on the basis of indicators related to children's rights;**

(b) **Utilize a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and the use of resources for children throughout the budget, and use this tracking system for impact assessments on how investments in any sector may serve the best interests of the child, ensuring that the different impact of such investment on girls and boys is measured;**

(c) **Define budgetary lines for children in disadvantaged or vulnerable situations who may require affirmative social measures and make sure that those budgetary lines are protected, even in situations of economic crisis or natural disaster or other emergencies.**

Data collection

19. The Committee notes the data provided by the State party in the areas of education, breastfeeding, children deprived of family environment, and children in the justice system, as well as the establishment of the "Human Treasure" database to collect data concerning children. However, the Committee is concerned about the lack of information as to whether the database allows for the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

20. **In the light of its general comment No. 5 (2003) on general measures of implementation, the Committee urges the State party to strengthen its data collection system. The data should cover all areas of the Convention and should be disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background, in order to facilitate analysis on the situation of all children, particularly vulnerable children. Furthermore, the Committee recommends that the data and indicators be shared among the ministries concerned and be used for the formulation, monitoring and evaluation of policies, programmes and projects for effective implementation of the Convention. In this context, the Committee also recommends that the State party provide the necessary human and financial resources to support the new database and that it strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF).**

Independent monitoring

21. While noting the information provided by the State party in its replies to the list of issues (CRC/C/IRN/Q/3-4/Add.1, paras. 21 and 22) about the establishment of the National Body on the Convention on the Rights of the Child, the Committee remains concerned about the lack of a permanent and independent mechanism to monitor the implementation of the Convention.

22. **In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions, the Committee recommends that the State party take measures to expeditiously establish, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), an independent mechanism for monitoring human rights, including a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner, ensure the**

privacy and protection of victims, and undertake monitoring, follow-up and verification activities for victims.

Dissemination, awareness-raising and training

23. The Committee is concerned that the State party has not taken sufficient steps to raise awareness about the Convention and to make its reports and concluding observations available to the public at large, including to children. The Committee also regrets that training of law-enforcement officials, judges and other professionals working for and with children does not cover the entire territory of the State party.

24. **The Committee recommends that the State party take all possible measures to raise the awareness of its public, including children, about the provisions of the Convention through awareness-raising programmes, such as campaigns, and that it ensure that the Convention is part of the mandatory curriculum in all schools for children of all age groups. The Committee also recommends that the State party continue to provide regular and systematic training activities on the provisions of the Convention for law enforcement officials, the judiciary and other professionals working with and for children throughout the country.**

Cooperation with civil society

25. The Committee is seriously concerned about the reported repression of non-governmental organizations (NGOs) working on children's rights, and about harassment and persecution of child rights defenders.

26. **The Committee urges the State party to put an end to repression against non-governmental organizations working in the area of children's rights and to hold those responsible for harassment and persecution of human rights activists accountable.**

B. Definition of the child (art. 1)

27. The Committee is seriously concerned that despite its previous recommendations, the age of majority remains set at predefined ages of puberty, namely 9 lunar years for girls and 15 lunar years for boys, which results in girls and boys above those ages being deprived of the protections under the Convention. Furthermore, the Committee is deeply concerned that the age of marriage in the State party, which is set at 13 years for girls and 15 years for boys, gravely violates rights under the Convention and places children, in particular girls, at risk of forced, early and temporary marriages, with irreversible consequences on their physical and mental health and development.

28. **The Committee urges the State party to revise, as a matter of urgency and priority, its legislation in order to ensure that all persons below the age of 18 years, without exceptions, are considered as children and are provided with all the rights under the Convention. The Committee also urges the State party to further increase the minimum age for marriage for both girls and boys to 18 years, and to take all necessary measures to eliminate child marriages in line with the State party's obligations under the Convention.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

29. The Committee expresses grave concern about the persistent discrimination against girls in the State party's legislation, and in practice in many aspects of life, such as the

discriminatory treatment of girls in family relations, the criminal justice system, property rights, and compensation for physical injury, among other things. The Committee is particularly concerned that under the State party's legislation, there is obligatory male guardianship over girls, which is incompatible with the Convention. The Committee is also concerned that gender stereotypes and patriarchal values place severe limitations on girls' enjoyment of their rights under the Convention.

30. **The Committee urges the State party to revise its legislation in order to ensure that girls enjoy the same rights and entitlements as boys in all aspects of life, especially in family relations, the criminal and civil justice system and property rights, and to take measures to eliminate any forms of discrimination in practice. It also urges the State party to carry out awareness-raising activities with a view to changing patriarchal values and gender stereotypes, which undermine girls' rights.**

31. The Committee is also concerned about the continued discrimination against children belonging to religious minorities, especially Baha'i children and Sunni children, as well as children who belong to minority ethnic and linguistic groups, children born out of wedlock, and to a certain extent, asylum-seeking and refugee children. Furthermore, it is concerned that lesbian, gay, bisexual, transgender and intersex (LGBTI) children continue to face discrimination because of their real or perceived sexual orientation or identity and that the same-sex sexual behaviour of adolescents above the current age of criminal responsibility is criminalized and punished with penalties ranging from flogging to the death penalty.

32. **The Committee recommends that the State party take effective measures, including accountability, to put an end to discrimination against religious, ethnic and linguistic minorities, children born out of wedlock and asylum-seeking and refugee children, and that it ensure that those responsible for any forms of discrimination against such groups are held accountable. Furthermore, the Committee recommends that the State party decriminalize same-sex relations and take measures to eliminate discrimination against LGBTI children.**

Best interests of the child

33. The Committee notes with appreciation the Act on Family Protection, of 2013, which stipulates that "the best interest of children and adolescents should be respected in all courts and executive officials' decisions". However, it remains concerned that the right of the child to have his or her best interests taken as a primary consideration is not enforced in actions or decision-making relating to children, including in matters related to family law. In particular, the Committee remains concerned that article 1169 of the Civil Law relating to the custody of children after divorce prevents the court from taking into account the best interests of the child, and it reiterates that custody determined solely on the basis of a child's age is both arbitrary and discriminatory (see CRC/C/15/Add.254, para. 27).

34. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party revise its Civil Law accordingly and strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and is applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to, and have an impact on, children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving this due weight as a primary consideration.**

Right to life, survival and development

35. The Committee takes note of Supreme Court order 737 (2015) and article 91 of the Islamic Penal Code of 2013 providing for a possibility of retrial and exempting, under special conditions, children below the age of 18 years from *hudud* and *qisas* punishments involving the death sentence "if they do not realize the nature of the crime committed or its prohibition, or if there is uncertainty about their full mental development, according to their age" and applying correctional measures instead. However, the Committee expresses serious concern that such exemptions are under the full discretion of judges who are allowed but are not mandated to seek forensic expert opinion, and that several persons have been re-sentenced to death following such retrials. The Committee deplores that the State party continues to execute children and those who have committed a crime while under 18 years of age, despite its previous recommendations and numerous criticisms by human rights treaty bodies.

36. **The Committee strongly urges the State party as a matter of utmost priority to:**

(a) **End the execution of children and persons who committed a crime while under the age of 18;**

(b) **Take legislative measures to abolish the death sentence for persons who committed a *hudud* or *qisas* crime while under the age of 18 years, that is currently established in the Islamic Penal Code without leaving any discretion to the courts;**

(c) **Commute all existing sentences for offenders on death row who committed a crime while under the age of 18 years.**

37. The Committee is seriously concerned that article 301 combined with article 612, of the Islamic Penal Code of 2013, provides for lighter punishment if a murder is committed by a father or paternal grandfather of the victim ("crimes committed in the name of so-called honour"). In such cases, judges have full discretion and can even decide to release the perpetrator without any punishment, paving the way for total impunity for killing one's child.

38. **The Committee strongly urges the State party to repeal article 301 of the Islamic Penal Code, and ensure that all perpetrators of murders committed in the name of so-called "honour" receive penalties commensurate with the gravity of their crimes. The Committee urges the State party to carry out prompt and thorough investigations into all these cases, to prosecute perpetrators and to ensure that those found guilty are given appropriate sentences.**

39. The Committee is concerned that a number of children have been killed or wounded due to landmines placed during the Iran-Iraq war, in Western Azerbaijan, Ilam, Kurdistan, Kermanshah and Khuzestan.

40. **The Committee urges the State party to clear its entire territory from landmines and all remnants of the war as soon as possible, with the support of international organizations.**

Respect for the views of the child

41. The Committee remains concerned with regard to respect for the views of the child in judicial decisions concerning custody or divorce and in administrative decisions, when the child's view is only heard through the father or paternal grandfather or another appointed guardian and not from the child directly. Furthermore, it is concerned that the views of the child are not heard in the family, at school and in society, owing to societal attitudes towards children, and that the State party has not taken measures to sufficiently inform the public about the right of children to participate in all matters affecting them.

42. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party adopt and implement legislation recognizing the right of the child to be heard in all relevant legal proceedings by establishing systems and/or procedures for social workers and courts to comply with the principle. It also recommends that the State party conduct programmes and awareness-raising activities to promote the meaningful and effective participation of all children within the family, the community and schools, including within student council bodies, with particular attention to girls and to children in vulnerable situations.**

D. Civil rights and freedoms (arts. 7, 8 and 13-17)

Birth registration

43. The Committee appreciates that birth registration coverage has greatly improved in the past several years and has reached almost 97 per cent. However, it remains concerned at the reports that children of registered refugees and unregistered foreigners born in the Islamic Republic of Iran are not issued with a birth certificate, hampering their access to basic services, including education.

44. **The Committee urges the State party to take measures to ensure the birth registration of all children, regardless of their parents' legal status and/or origin. The Committee urges the State party, in doing so, to ensure that children of registered refugees and unregistered foreigners are provided with birth certificates without any conditions.**

Nationality

45. The Committee takes note with appreciation of the Act on Determination of the Nationality of Children Born into Marriages of Iranian Women with Men of Foreign Nationality, of 2006, amending article 976 of the Civil Code which had previously conferred Iranian nationality only through *jus sanguinis* on the paternal side. However, the Committee is concerned that, under the amendment, such naturalization is only possible upon reaching 18 years of age and thus does not address statelessness in childhood. In addition, the Act establishes difficult eligibility requirements for naturalization, including proof of the father's documents and proof of marriage, which automatically excludes children born out of wedlock. Furthermore, the Committee regrets that the State party did not provide information on the number of children born to Iranian mothers and foreign fathers who have been naturalized since 2006.

46. **The Committee strongly urges the State party to review the provisions of the Act on Determination of the Nationality of Children Born into Marriages of Iranian Women with Men of Foreign Nationality amending the Civil Code, and to ensure that all children who are born to Iranian mothers, including children born out of wedlock, are entitled to Iranian citizenship on the same conditions as children born to Iranian fathers. The Committee also recommends that the State party provide information on the number of children born to Iranian mothers who have been naturalized, in its next periodic report.**

Freedom of expression, association and peaceful assembly

47. The Committee is concerned at the reports that content-based offences such as "propaganda against the State" or "insulting Islam" are not clearly defined and interpreted, and can incur prison terms, flogging, and even death sentences, thus limiting the right of children to freedom of expression. It is also concerned about the broad interpretation of

offences such as "membership in an illegal organization" and "participation in an illegal gathering" infringing the right of children to freedom of association and peaceful assembly.

48. **The Committee recommends that the State party take the necessary measures to ensure full respect for the right of children to freedom of expression, association and peaceful assembly, and that those rights not be subjected to undue and vague limitations but that restrictions to those rights comply with international standards. The Committee urges the State party to review its legislation in order to ensure that children under the age of 18 years are exempt from criminal responsibility for such content-based offences.**

Freedom of thought, conscience and religion

49. The Committee remains concerned about the continued discrimination against members of religious minorities, especially those that are not recognized by the State party, including the Baha'i religious minority. It is particularly concerned about harassment, intimidation and imprisonment of persons of the Baha'i faith, including their children, on the account of their religion. The Committee is also concerned that the *hijab* requirement for girls as young as 7 years of age irrespective of their religious affiliation constitutes a serious breach of article 14 of the Convention.

50. **The Committee urges the State party to take measures to prevent and eliminate discrimination on the grounds of religion or belief and to ensure that members of religious minority groups, in particular persons of the Baha'i faith, are not persecuted, imprisoned or ill-treated on the account of their religion. The Committee also recommends that the State party review its *hijab* laws and regulations and ensure that the right of girls to wear or not to wear the *hijab* is fully respected.**

Access to appropriate information

51. The Committee is concerned about the widespread censorship of information, stipulated by laws regulating the press and the Internet, which undermines the right of children to access information. The Committee is also concerned that any information, including harmless information, can be restricted in the name of national security without justification.

52. **The Committee recommends that the State party review its laws and policies in order to provide children with age-appropriate information and that it take measures to ensure a reasonable balance between the threat to national security and freedom of expression.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Torture and other cruel or degrading treatment or punishment

53. While welcoming the Islamic Penal Code of 2013 abolishing corporal punishment and the flogging of children under the age of 18 years for crimes under the *ta'zir* category, the Committee remains seriously concerned that this Code retains punishment for children who have reached the legal age of criminal responsibility (9 lunar years for girls and 15 lunar years for boys) for crimes under the *hudud* and *qisas* categories, with sentences involving torture or cruel or degrading treatment or punishment, which have been and continue to be applied to children. While recognizing the decree of the Supreme Leader not to have children witness public executions, the Committee is concerned about the negative impact of still-ongoing public executions witnessed by children, on their mental health and well-being. Furthermore, it is concerned at the reports that LGBTI children are subjected to

electric shocks and the administration of hormones and strong psychoactive medications for the purpose of "curing" them.

54. **In light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of Sustainable Development Goal 16.2 to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee strongly urges the State party to immediately repeal all provisions which authorize or condone cruel, inhuman or degrading treatment of children. It also recommends that the State party put an end to public executions, which have an irreversible negative effect on the mental health of children who witness them, by implementing the above-mentioned decree. Furthermore, the Committee urges the State party to ensure that LGBTI children are not subjected to cruel and degrading treatment such as electric shocks and the administration of hormones and strong psychoactive medications, and that those responsible for these acts are held accountable.**

Corporal punishment

55. The Committee is seriously concerned that article 1179 of the Civil Code allows for "reasonable punishment of children for correction or protection purposes" and that article 158 (d) of the Islamic Penal Code of 2013 provides for the disciplining of children by parents or guardians "within normal and sharia-sanctioned boundaries". Furthermore, it is concerned that corporal punishment is not prohibited in schools.

56. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to review its legislation with a view to prohibiting all forms of corporal punishment irrespective of its purpose, including by parents, guardians and teachers, and instead to promote positive, non-violent and participatory forms of child-rearing and discipline.**

Sexual exploitation and abuse

57. The Committee deplores the fact that the State party allows sexual intercourse involving girls as young as 9 lunar years and that other forms of sexual abuse of even younger children is not criminalized. The Committee is seriously concerned that article 1108 of the Civil Code, which obliges wives to fulfil the sexual needs of their husbands at all times, places child brides at risk of sexual violence, including marital rape.

58. **The Committee urges the State party to repeal all legal provisions that authorize, condone or lead to child sexual abuse and to ensure that perpetrators of child sexual abuse are brought to justice. The State party should also increase the legal age of consent to sexual relations to 16 years. The Committee also urges the State party to increase the legal age of marriage to 18 years and to criminalize marital rape. Furthermore, the Committee recommends that the State party develop programmes and policies for the prevention, recovery and social reintegration of child victims, including child brides, in accordance with the documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.**

Harmful practices

59. The Committee is seriously concerned about reports of the increasing number of girls aged 10 and younger who are subjected to child and forced marriages to much older men. The Committee is also concerned that although female genital mutilation is criminalized by article 663 of the Islamic Penal Code, it continues to be performed on large numbers of girls in Kurdistan, Western Azerbaijan, Kermanshah, Ilam, Lorestan and

Hormozgan. Furthermore, it is concerned about the legalization of polygamy, allowing men to marry two permanent wives and any number of temporary wives.

60. **The Committee strongly urges the State party to:**

(a) **Develop awareness-raising campaigns and programmes on the harmful effects of child marriage on the physical and mental health and well-being of girls, targeting households, local authorities, religious leaders, and judges and prosecutors;**

(b) **Introduce and enforce national laws prohibiting all forms of child marriage and ensure that children who have been married can file a complaint on family matters such as divorce and custody of their children, and for financial compensation;**

(c) **Ensure that those responsible for the approval of forced and child marriage, including judges, parents, guardians, and religious or traditional leaders, are held accountable;**

(d) **In the light of its general comment No. 18 (2014) on harmful practices, adopted jointly with the Committee on the Elimination of Discrimination against Women, take measures to enforce article 663 of the Islamic Penal Code and to stop, effectively, the practice of female genital mutilation throughout the country;**

(e) **Review its legislation with a view to banning polygamy, which is contrary to women's and girls' dignity and infringes their human rights and freedoms, including equality and protection within the family.**

F. Family environment and alternative care (arts. 5, 9-11, 18 (1 and 2), 20, 21, 25 and 27 (4))

Family environment

61. The Committee is seriously concerned about the discrimination between the treatment of men and the treatment of women including married girls below the age of 18 years, in the State party's legislation on family relations, which recognizes husbands as the exclusive heads of households (article 1105 of the Civil Code). It is also concerned about the discrimination against girls in inheritance laws, whereby boys are entitled to twice the share of inheritance that girls are entitled to.

62. **With reference to paragraph 27 of the present document, the Committee urges the State party to revise its Civil Code and all other relevant legislation to ensure equal rights of girls in family relations and provide girls with the right to inheritance on equal terms with boys. Furthermore, the Committee recommends that the State party consider ratifying the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations, and the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.**

Children deprived of a family environment

63. The Committee deplores article 26 of the Act on the Protection of Children and Adolescents with No Guardian or Abusive Guardians of 2012, which allows for marriage between a father and his adopted child, paving the way for the sexual abuse of children in adopting families, despite the State party's assurances that this does not take place in practice. The Committee is also concerned about the growing number of children deprived

of a family environment, especially among children belonging to ethnic minorities, whose parents have been either imprisoned or killed.

64. **The Committee urges the State party to revise the Act on the Protection of Children and Adolescents with No Guardian or Abusive Guardians of 2012 in a way that prohibits any marriage or other sexual arrangements with an adopted child. It also recommends that the State party take all necessary measures to ensure the right of all children, especially children belonging to ethnic minorities, to grow up in a family environment. The Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children, which are annexed to General Assembly resolution 64/142.**

Children in prison with their mothers

65. The Committee is concerned that children, in particular Baha'i children, living with their mothers in prison have reportedly developed medical problems due to poor living conditions that they are subjected to in prisons.

66. **The Committee recommends that the State party take measures to provide adequate living conditions in prisons for all mothers with children and that it ensure that prison has the most limited effect possible on children's mental and physical development.**

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1-3) and 33)

Children with disabilities

67. The Committee welcomes the information provided by the State party that it is in the process of including children with disabilities in mainstream schools and assessing the effects of its legislation in this regard. However, it regrets the lack of information on the extent of such inclusion and on measures taken to provide human, technical and financial support for the process. It also regrets the lack of information on the access of children with disabilities to health-care facilities and the support and assistance available to families with children with disabilities.

68. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to set up a comprehensive strategy for the inclusion of children with disabilities and:**

(a) **Collect data on children with disabilities and develop an efficient system for diagnosing disability, which is necessary for putting in place appropriate policies and programmes for children with disabilities;**

(b) **Set up comprehensive measures to develop inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes;**

(c) **Take immediate measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes;**

(d) **Train and assign specialized teachers and professionals for integrated classes providing individual support and due attention to children with learning difficulties.**

Health and health services

69. The Committee is concerned that early pregnancies of girls below the age of 15 years have resulted in high rates of maternal and infant mortality, and that insufficient investment has been made by the State party in the health clinics and other facilities in remote rural areas. It is also concerned about the Bill on the Comprehensive Population and Family Excellence Plan, which places significant restrictions on accessing contraceptives and criminalizes abortion-related medical services.

70. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party take all necessary measures to prevent early pregnancies by prohibiting child marriages and providing access to contraceptives and to safe abortion, and to post-abortion care services, throughout the country. It also recommends that the State party decriminalize abortions in all circumstances and ensure that the views of the pregnant girl are always heard and respected in abortion decisions. Furthermore, the Committee recommends that the State party take measures to increase the allocation of public funds to improve the health situation of inhabitants of remote areas, focusing in particular on the health infrastructure. In doing so, the State party should seek financial and technical assistance from UNICEF and the World Health Organization, among others.**

Adolescent health

71. The Committee notes that the State party advised, during the dialogue, that sexual and reproductive health information was included in school curricula in some parts of the country, but it is concerned that this information is not sufficient. The Committee is also concerned that LGBTI children have no access to information about gender identity or sexual orientation and that transgender persons are forced to undergo surgical treatment.

72. **In the light of its general comment No. 4 (2003) on adolescent health and development, the Committee recommends that the State party adopt a comprehensive sexual and reproductive health policy for adolescents throughout the country and ensure that sexual and reproductive health education is part of the mandatory school curriculum and is targeted at adolescent girls and boys, with special attention to preventing early pregnancy and sexually transmitted infections. It also urges the State party to take measures to provide LGBTI children with access to information on gender identity and sexual orientation. Furthermore, it urges the State party to put an end to forcible surgical treatment of transgender persons.**

Environmental health

73. The Committee is concerned about the adverse environmental effects of the river diversion programme, sugar-cane farming and industrial pollution in Khuzestan province and about the negative impact that this has on the enjoyment by Ahwazi Arabs of their rights to an adequate standard of living and health.

74. **The Committee recommends that the State party take urgent steps to counter the impact of river diversions and industrial activity in Khuzestan on agriculture and human health, which includes environmental pollution and water shortages.**

Standard of living

75. The Committee is concerned about the high levels of poverty in certain underdeveloped regions. In particular, it is concerned about poor living conditions in regions traditionally inhabited by ethnic minorities, that in some cases completely lack basic services such as electricity, plumbing, sewage systems, public transport, medical

facilities or schools, which has a direct negative impact on the rights of children living in those regions.

76. **The Committee recommends that the State party strengthen its efforts to further reduce poverty and extreme poverty, in particular in provinces populated by ethnic minorities, such as Sistan and Baluchestan, Khuzestan and Kurdistan. The Committee recommends that the State party take immediate steps, inter alia by increasing budgetary allocations, to improve housing and living conditions in these regions, including the provision of access to safe drinking water, adequate sanitation, electricity, transportation facilities, schools and health-care centres.**

H. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

77. The Committee welcomes the progress in the area of education, including the high rate of enrolment of children in primary and secondary schools. However, the Committee is concerned about:

(a) The high dropout rates of girls in rural schools upon reaching puberty, and of indigenous Arab children;

(b) The restrictions on the right of girls to education, by court ruling, if the husband finds the wife's education to be "incompatible with the interests of the family or with his or his wife's dignity";

(c) Lack of availability of education in the native languages of ethnic minorities, such as Azeri, Kurdish, Arabic and other languages;

(d) Identification, intimidation and harassment of Baha'i children in schools and the lack of access for such children to higher education;

(e) Harassment, bullying and expulsion of LGBTI children from schools for failing to observe social expectations of femininity or masculinity;

(f) Lack of female teachers in rural areas;

(g) The differences in teaching staff capacities and in the materials and equipment available, between schools in urban and rural areas.

78. **The Committee recommends that the State party:**

(a) **Ensure that girls, including married girls, have access to primary and secondary education without any barriers, including those established by husbands, parents and communities, and raise the awareness of the public about the importance of education, in particular among indigenous Arab communities;**

(b) **Take measures to provide access to education based on the national curriculum in the native languages of ethnic minorities, in particular in Azeri, Kurdish, Arabic and other languages;**

(c) **End the practice of identifying Baha'i children in schools and intimidating and expelling children on account of their religion;**

(d) **Prohibit, prevent and punish the harassment, bullying, and expulsion from schools of LGBTI children;**

(e) **Invest in training and providing more female teachers, especially in rural areas of the country;**

(f) **Ensure adequate human, technical and financial resources to schools in rural areas.**

Rest, leisure, recreation and cultural and artistic activities

79. The Committee is concerned that girls are severely limited in their right to take part in cultural, artistic and sports activities both within and outside schools, partly due to the enforcement of the *hijab* on girls from the age of 7 years. It is also concerned that women and girls are forbidden from sports stadiums as this is considered to lead to "immoral consequences", which is in violation of article 31 of the Convention.

80. **The Committee draws the State party's attention to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, and urges the State party to stop discriminating against girls in access to these rights, and to ensure that they are guaranteed the same rights to enjoy cultural, artistic and sports activities on equal terms with boys.**

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d), and 38-40)

Asylum-seeking and refugee children

81. The Committee notes with appreciation that the State party is one of the largest refugee-hosting countries in the world, but regrets the lack of gender- and age-disaggregated statistics on its refugee population. The Committee is concerned that:

(a) While the State party provides access to education and health for registered refugees, those without a valid registration (Amayesh card) face difficulties in accessing all services, including education;

(b) Refugee children are forced to pay school fees, while education is free for Iranian children;

(c) Children can easily be separated from their families in the process of deportation, with no opportunity for communication or for challenging the deportation.

82. **The Committee recommends that the State party:**

(a) **Systematically collect disaggregated data on its refugee and asylum-seeking children in order to be able to develop programmes and policies that respond to their needs;**

(b) **Ensure prompt registration of all its asylum-seeking and refugee children in order to provide them with access to all basic services, including health care and education for free;**

(c) **Ensure that unaccompanied asylum-seeking and refugee children are given guardianship, free legal assistance with immigration proceedings, and access to adequate shelter, food, health care and education;**

(d) **Ensure that immigration proceedings involving children are decided on the basis of the best interests of the child, and prevent separation of families during the deportation process.**

Children belonging to minority or indigenous groups

83. The Committee is deeply concerned at the widespread discrimination against children from ethnic minorities, such as the Ahwazi Arab, Azerbaijani Turkish, Baloch and

Kurdish minorities. It is particularly concerned about the reports of targeted arrests, detention, imprisonment, killing, torture and execution of members of such groups by law enforcement and judicial authorities. The Committee is also concerned that children of ethnic minority groups have no access to newspapers, books and journals in their native languages and that their art and culture is under severe pressure.

84. **The Committee recommends that the State party take active measures to officially recognize ethnic and linguistic minority groups and that it provide them with opportunities to learn, communicate and practise their language, art, culture and religion without any undue interference. It also urges the State party to ensure that reports of unlawful arrests, detention, imprisonments, killings, torture and executions targeted against members of minority groups, including children, are promptly investigated and the perpetrators are held accountable.**

Economic exploitation, including child labour

85. The Committee notes the information provided by the State party about the work of labour inspectors in the country, but is seriously concerned about the large number of children employed under hazardous conditions, such as in garbage collection, brick kilns and industrial workshops, without protective clothing and for very low pay. The Committee is particularly concerned about the 2003 law that exempts workshops with fewer than 10 employees from labour regulations, which increases the risks of economic exploitation of children.

86. **The Committee urges the State party to:**

(a) **Prohibit the employment of children below the age of 18 years in hazardous conditions that jeopardize physical, mental or moral health and the safety of children;**

(b) **Ensure that all forms of enterprises and workshops remain within the domain of labour regulations and are systematically monitored and controlled by labour inspectors for potential violations of the rights of child workers;**

(c) **Seek technical assistance in this regard from the International Programme on the Elimination of Child Labour of the International Labour Office.**

Children in street situations

87. The Committee is concerned that some children continue to live in the streets, and are subjected to various forms of economic exploitation, use drugs, suffer from sexual abuse and exploitation by the public and police officers and are at a greater risk of HIV/AIDS infection.

88. **The Committee urges the State party to:**

(a) **Develop a comprehensive strategy to protect children in street situations and reduce their number, including identifying the underlying causes, such as poverty, family violence, migration, and lack of access to education, with the aim of preventing and reducing this phenomenon;**

(b) **In coordination with NGOs and with children themselves, provide children in street situations with the necessary protection, including a family environment, adequate health-care services, the possibility to attend school and other social services;**

(c) **Ensure that children in street situations are not subjected to discrimination, abuse or harassment by the public and by law enforcement officials and that they are not subjected to arbitrary arrest and illegal detention;**

(d) **Promptly investigate complaints concerning ill-treatment and abuse of children in street situations;**

(e) **Support family reunification programmes if in the best interests of the child.**

Sale, trafficking and abduction

89. The Committee remains concerned about the ongoing issue of the trafficking and sale of persons under the age of 18 years, particularly young girls from rural areas, facilitated by "temporary marriages" or "sigheh", as well as the trafficking of girls from Afghanistan to the Islamic Republic of Iran, sold or sent by their families, as highlighted in the Committee's previous concluding observations (see CRC/C/15/Add.254, para. 70).

90. **The Committee reiterates its previous recommendation (see CRC/C/15/Add.254, para. 71) that the State party take all appropriate legislative and administrative measures to prevent and eliminate this phenomenon and to ensure that traffickers are prosecuted, convicted and punished.**

Administration of juvenile justice

91. The Committee notes that the new Criminal Procedure Code of 2015 introduces juvenile courts and provides for the creation of a special office of prosecutors for juveniles. However, the Committee is seriously concerned that:

(a) The age of criminal responsibility, especially for girls, for whom it is set at 9 full lunar years for certain crimes, is still extremely low;

(b) The general courts maintain jurisdiction over serious and sexual crimes;

(c) Children charged with serious crimes involving the death penalty or imprisonment for more than five years cannot choose a lawyer during the initial investigation phase;

(d) Courts are not granted the power to mitigate sentences and detention;

(e) The Criminal Procedure Code does not prescribe a time limit on the pretrial detention of children;

(f) There are no procedural guarantees to preserve the privacy of child defendants;

(g) Boys are detained together with adults in small towns, and girls are detained together with adults throughout the country.

92. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee strongly urges the State party, as a matter of priority, to:**

(a) **Increase the age of criminal responsibility for girls, and ensure that girls and boys are treated on equal terms under the whole criminal justice system;**

(b) **Expeditiously implement the establishment of specialized juvenile courts and procedures with adequate human, technical and financial resources for all cases involving children, including those charged with the most serious crimes, designate specialized judges for children and ensure that such specialized judges receive appropriate education and training;**

(c) Ensure the provision of qualified and independent legal aid to children in conflict with the law, if possible by the choice of the child defendant, at an early stage of the procedure and throughout the legal proceedings;

(d) Promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;

(e) Alternative measures to pretrial detention should be strengthened and applied as much as possible in order to ensure that this deprivation of liberty is really a measure of last resort and is for the shortest time possible;

(f) Ensure procedural guarantees to preserve the privacy of children in conflict with the law throughout the investigation and trial proceedings;

(g) In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services.

93. **To that effect, the Committee recommends that the State party make use of the technical assistance tools developed by the Inter-agency Panel on Juvenile Justice, and seek technical assistance in the area of juvenile justice from members of the Panel and relevant international bodies.**

J. Ratification of the Optional Protocols

94. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on a communications procedure.**

K. Ratification of international human rights instruments

95. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the core human rights instruments to which it is not yet a party, namely the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.**

96. **The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the report for which is overdue as of 16 April 2013.**

V. Implementation and reporting

A. Follow-up and dissemination

97. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third and fourth periodic reports, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.**

B. Next report

98. **The Committee invites the State party to submit its combined fifth and sixth periodic reports by 11 August 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

99. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.**